

REMARKS

This amendment is being filed in response to the Office Action dated October 16, 2008. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

Claim Rejections - 35 U.S.C. § 101

Claims 1-9 were rejected under 35 U.S.C. § 101 because the claimed invention was allegedly directed to non-statutory subject matter. The Examiner noted that to qualify as a § 101 statutory process, the claims should positively recite another statutory class (thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed. Claim 1 has been amended to overcome this rejection and now recites “automatically detecting usage of parts on a product line with at least one parts consumption detector”. Further, claim 1 has been amended to include “automatically triggering by a processor a part pull request signal as a function of the detected usage by the parts consumption detector”. Hence, claim 1 has therefore been amended to include both a parts consumption detector and a processor, each of which identifies apparatus that accomplishes certain ones of the method steps. Further, shipping orders are said to be transmitted over a public data network, which is also a thing or product which is tied to the method. For each of these reasons, the rejection of claim 1 under 35 U.S.C. § 101 should be reconsidered and withdrawn and such actions are courteously solicited.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3 and 5-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Lindoerfer in view of Aram. Claim 4 was rejected under 35 U.S.C. § 103 as being unpatentable over Lindoerfer and Aram and further interview of Kureshy. Claim 20 was rejected under 35

U.S.C. § 103(a) as being unpatentable over Lindoerfer in view of Aram. These rejections are hereby traversed and reconsideration and withdrawal of thereof are respectfully requested.

Claims 1 and 11 will be treated together for purposes of this response. As provided in claim 1, for example, embodiments of the claimed invention relate to a computer-implemented method of managing supplying of parts between a logistics provider and a manufacturer. The method includes automatically detecting usage of parts on a product line with at least one parts consumption detector. There is an automatic triggering by a processor of a part pull request signal as a function of the detected usage by the at least one parts consumption detector. The part pull request signal is automatically translated to a shipping order by the processor. The shipping order is transmitted over a public data network from the manufacturer to the logistics provider at a different geographic location than the manufacturer. A picking list is generated based on the part pull request signal and the shipping order. Delivery information is automatically generated to the manufacturer based on the picking list. This combination of features or steps is not shown or suggested by the references, either alone or in combination.

Lindoerfer relates to a method and system for supplier relationship management that provides inter-enterprise business application for a supplier relationship management system. Among other features, the Examiner relied upon Lindoerfer as disclosing automatically detecting usage of parts on a product line, describing at paragraph [0122]: “This electronic process includes, [...] tracking release numbers to match line items, automatically updating the parts information database, [...] the quantity received, the date of last receipt, etc.” Emphasis added.). It is respectfully submitted that this section of Lindoerfer fails to disclose automatically detecting usage of parts on a product line. Referring to the cited Paragraph [0122] of Lindoerfer, it is apparent that there is no automatic detection of usage of parts on a product line disclosed in

Lindoefer. Paragraph [0122] describes a planning schedule process. The electronic processing includes comparing a received planning schedule with a previously received planning schedule in order to identify changes, tagging items with required labels (e.g., planned or firm), tracking release numbers to match line items, automatically updating the parts information database, the buyer/planner database, the quantity received, the date of last receipt, etc. This cited section shows that it is through a comparison of a received planning schedule with a previously received planning schedule that identifies any changes, such as automatic updating of a parts information database. In other words, the parts information database is updated based upon the differences between the received planning schedule and the previously received planning schedule. This is not the same as automatically detecting usage of parts on a product line with at least one parts consumption detector. There is no information provided in Paragraph [0122] as to how the parts information database is maintained in order to form a planning schedule. There is no description in Paragraph [0122] that the database receives its information from an automatic detected usage of parts on a product line. The entry of data into the parts information database may be manually performed, rather than by automatic detected usage of parts on a product line. The comparison of previous database information with current database information, suggested by Paragraph [0122], does not show or suggest the automatic detected usage of parts on a product line. Aram is not alleged by the Examiner to show such a feature. Therefore, the combination of Lindoefer and Aram cannot show or suggest the invention as now claimed in independent claims 1 and 11. The rejection of these claims as well as dependant claims 2-3, 5-9 and 12-19 should be reconsidered and withdrawn.

The rejection of claim 4 was based on the combination of Lindoefer, Aram and Kureshy. It is respectfully submitted that Kureshy fails to overcome any of the deficiencies noted with

respect to Lindoerfer and Aram. Hence, even if combined, the combination of Lindoerfer, Aram and Kureshy fails to make obvious dependent claim 4 with depends from claim 1. Reconsideration and withdrawal of the rejection of claim 4 are also respectfully requested.

Claim 20 was rejected based upon a combination of Lindoerfer and Aram. In particular, the Examiner states that it appeared as if the Applicant is reading limitations into the claims from the specification. However, in considering means-function limitations, the specification must be considered as the means claims are interpreted as the structure disclosed in the specification and the equivalents thereof. In claim 20, a consumable parts usage detection system that automatically detects the usage of consumable parts and generates usage signals that indicate a quantity of consumable parts use at the manufacturing facility is recited. The Examiner states that Lindoerfer discloses such a consumable parts usage detection system. The Examiner refers to the limitation of claim 1 and the discussion thereof. This relates to Paragraph [0122], discussed above with respect to the response to rejections of claims 1 and 11. As discussed above, Lindoerfer fails to show an automatic detecting of the usage of parts on a product line by at least one parts consumption detector. Lindoerfer does not show a consumable usage parts detection system that automatically detects the usage of consumable parts. Therefore, the combination of Lindoerfer and Aram cannot make obvious claim 20 as claimed. Reconsideration and withdrawal of the rejection of claim 20 under 35 U.S.C. § 103(a) are respectfully requested.

In light of the amendments and remarks, this application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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